

STATEMENT OF SENATOR JOHN McCAIN
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COMMERCE, SCIENCE, AND TRANSPORTATION
FULL COMMITTEE HEARING
ON TELEVISION VIOLENCE
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- First, let me welcome the witnesses and thank them for being with us this morning. Each of you has done considerable work on the issue of TV violence, and I thank you for the time and effort your appearance today requires.
- I would also like to commend Senator Hollings for his longstanding commitment to reducing the violence in the mass media programming our children see. His sincerity in this commitment transcends headlines and political motivations. His efforts are an honest attempt to come to grips with one aspect of this terrible national problem, and for that he deserves, and has, my respect and admiration.
- I therefore regret that I cannot endorse the “safe harbor” approach he has chosen to pursue. I do not take this position because I don’t see the problems that must be solved, or because I don’t think that the solution must address the violent programming our children are exposed to. If recent tragedies teach us anything, they teach us that allowing our children to become acculturated to amoral, gratuitous violence will destroy the foundations of our culture and the future of our country.
- But these recent tragedies also show that changing the culture of violence won’t be easy. It will require assumption of new responsibilities by parents, schools, churches, and law enforcement, as well as the media. And assuming these new responsibilities will require us to face up to current problems unblinkingly, and address them realistically.
- In the final analysis, that is why I cannot support “safe harbor” legislation: even with the best of intentions, it cannot provide a realistic solution to the problem of violent programming.
- Congress has repeatedly declined to enact “safe harbor” legislation in the past because of its constitutional infirmities. In the first place, the notion of putting an agency of government in charge of deciding what kinds of TV programming can be broadcast, and when it can be broadcast, is justifiably objectionable to most people. Add to this two other problems -- the difficulty in specifically defining what constitutes “violent” programming and the difficulty in establishing times when children are not in the audience -- and it is easy to understand why Congress has concluded that applying laws like this to TV would never survive the inevitable First Amendment court challenge.
- As hard as it would be under the First Amendment to enforce such restrictions on TV and

cable, Senator Hollings' recent bill would also try to enforce them against the Internet. This would, of course, for the first time have empowered the five unelected federal bureaucrats who make up the FCC to directly regulate content on the 'Net. Even worse, it completely ignores the fact that Internet content is available to anyone, anywhere, *at any time*. How could the FCC possibly restrict the availability of "violent" Web content to certain hours of local time? And how could it ever police compliance with its rules?

- Perhaps it would be necessary to take these drastic steps if there were no other way available to control our childrens' access to violent programming either on TV or on the Internet. But that, of course, isn't the case.
- V-chip technology, coupled with the content-based TV ratings system used by an overwhelming majority of all broadcast and cable TV networks, will soon enable parents to control precisely which programs their children watch on TV. A variety of blocking and filtering technologies are similarly available for parents to control their childrens' use of the Internet at home. When it comes to childrens' Internet use outside the home, I have sponsored legislation that would require schools and libraries installing federally-subsidized Internet services to select and use blocking and filtering technology on computers accessed by children. The availability of the V chip and Internet blocking and filtering technology put to rest any notion that the "safe harbor" approach is the only effective, and least governmentally-intrusive, way of controlling childrens' access to violent material on TV or the Internet.
- And so I must part company with my friend, not on what he is trying to achieve, but rather on the way he has chosen to achieve it.